



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**PLANNING COMMISSION**

*Promoting the wise use of land  
Helping build great communities*

<b>MEETING DATE</b> April 14, 2016	<b>CONTACT/PHONE</b> Brandi Cummings Project Manager 805-781-1006	<b>APPLICANT</b> Mid Coast Capital	<b>FILE NO.</b> TRACT 2558 SUB2015-00042
<b>SUBJECT</b> Hearing to consider a request by <b>MID COAST CAPITAL</b> for a Tentative Tract Map 2558 (Oak Terrace) to subdivide a 3.26 acre parcel into fifteen residential lots ranging in size from 6,000 to 7,011 square feet each for the purpose of sale and/or development. The project includes on-site road improvements (Oak Terrace Circle) and off-site road improvements to Magenta Lane and Oak Terrace Lane. Also proposed is one on-site underground stormwater basin to be constructed under the cul-de-sac of Oak Terrace Circle, and two off-site stormwater detention basins and associated storm drains on adjacent property owned by the applicant northeast of the project site. The project will result in the disturbance of approximately four acres (including off-site improvements on APN 092-572-015). The proposed project is within the Residential Single-Family and Commercial Retail land use categories and is located on Magenta Lane, on the north side of Tefft Street, approximately 0.25 mile west of Highway 101, in the community of Nipomo, in the South County (Inland) planning area.			
<b>RECOMMENDED ACTION</b> 1. Adopt an Addendum to the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Tentative Tract 2558 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
<b>ENVIRONMENTAL DETERMINATION</b> The Environmental Coordinator found that the previously adopted Negative Declaration is adequate for the purposes of compliance with CEQA. Per State CEQA Guidelines (Sec. 15164(a), Sec. 15162) an Addendum to the adopted Negative Declaration was prepared as the following conditions apply: 1) only minor technical changes or additions are necessary; 2) no substantial changes have been made or occurred that would require major revisions to the Negative Declaration due to either new significant effects or substantial increases in the severity of previously identified significant effects; 3) substantial changes have not occurred with respect to the circumstances under which the project is undertaken; 4) no new information of substantial importance which was not known or could not have been known at the time of the adopted Negative Declaration has been identified. No new mitigation measures have been proposed.			
<b>LAND USE CATEGORY</b> Residential Single-Family, Commercial Retail	<b>COMBINING DESIGNATION</b> None	<b>ASSESSOR PARCEL NUMBER</b> 092-572-053	<b>SUPERVISOR DISTRICT(S)</b> 4
<b>PLANNING AREA STANDARDS:</b> South County Sub-area Standards, Nipomo Community Standards			
<b>LAND USE ORDINANCE STANDARDS:</b> Subdivision Design Standards, General Property Development and Operating Standards			
<b>EXISTING USES:</b> Vacant, some tract improvements implemented			
<small>COUNTY OF SAN LUIS OBISPO DEPARTMENT OF PLANNING AND BUILDING COUNTY GOVERNMENT CENTER, CA 93408 805-781-5600 <a href="http://WWW.SLOPLANNING.ORG">WWW.SLOPLANNING.ORG</a></small>			

**OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:**

The project was referred to: Public Works, Environmental Health, Parks, Assessor, Building Division, Cal Fire, PG&E, AT&T, Charter Cable TV, So Cal Gas, Nipomo CSD, South County Advisory Council

**TOPOGRAPHY:**

Gently to moderately sloping

**VEGETATION:**

Grasses

**PROPOSED SERVICES:**

Water supply: Nipomo CSD

Sewage Disposal: Nipomo CSD

Fire Protection: CDF

**ACCEPTANCE DATE:**

February 22, 2016

## DISCUSSION

**PROJECT HISTORY:**

The applicant is proposing to subdivide an existing 3.26 acre parcel into 15 individual residential lots ranging in size from 6,000 to 7,000 square-feet. This proposal is a rerun of a previously approved Tract map (S020372).

The previously approved project was submitted on May 9, 2003. The project and associated Mitigated Negative Declaration were approved at the August 12, 2005 Planning Commission hearing. The project subsequently expired on August 26, 2007 and no time extension requests were received.

Prior to project expiration, the previous applicant submitted Improvement Plans to Public Works, which were approved on March 7, 2007. To date, most of the tract improvements have been completed.

The property has since changed owners, and the new owner is re-submitting the originally approved project with no changes to the original project.

**ORDINANCE COMPLIANCE:*****Minimum Parcel Size***

22.22.080 of the Land Use Ordinance establishes standards for determining minimum parcel sizes in the Residential Single Family land use category. The standards are based on the type of access serving the property, the topography of the site, and the type of water supply and sewage disposal. Minimum parcel size is based on the largest parcel size as calculated by tests. The proposed parcels meet all requirements for 6,000 square foot parcels as follows:

TEST	STANDARD	MINIMUM PARCEL SIZE
Access	Located on local streets	6,000 square feet
Slope	Average slope is between 0 and 15 %	6,000 square feet
Water Supply and Sewage Disposal	Community Water Community Sewer	6,000 square feet

***Quimby Fees***

Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing, park or recreational facilities to serve the land division. Payment of the parkland fee for all undeveloped parcels is required prior to map recordation.

### ***Affordable Housing Fees***

Section 22.12.080 of the LUO fulfills state law requirements to provide housing opportunities for all economic segments of the County. The applicant of a subdivision may pay an in-lieu fee rather than provide affordable housing. The current in-lieu fees are 20% of the fees as listed in the Inclusionary Housing Ordinance Implementation Guidelines Manual. This project has been conditioned to pay all applicable inclusionary housing fees prior to map recordation.

### ***Design Standards***

The proposed parcels are consistent with the design criteria set forth in Chapter 3 of the Title 21 of the Real Property Division Ordinance.

### **PLANNING AREA STANDARDS:**

The project site is located within the Nipomo Urban Area. The proposed development satisfies all applicable Planning Area Standards, density, intensity, and site planning criteria as outlined below. The project includes public right-of-way dedications and will also be connected to the Nipomo Community Services District sewer.

### ***South County Sub-Area Standards***

#### Circulation Planning.

Applications for land divisions or conditional use permits shall provide offers of dedication for public streets, bikeways and pathways. Traffic noise mitigation required in the form of setbacks/open space, site layout, earthen berms, or structural measures, in that order of priority.

*Staff comments: As conditioned, the project meets these standards. Oak Terrace Lane, Primrose Lane, Oak Terrace Circle, and Magenta lane are conditioned to be constructed to an A-2 standard within a dedicated right-of-way. The applicant is also required to dedicate a 20 foot radius property line return at the intersection of all streets.*

#### Nipomo Mesa Water Conservation Area

The standards in Chapter 22.16 apply for landscaping requirements. Irrigation systems shall include smart controllers that adjust irrigation based on climate data, drip irrigation systems for all landscape plant material (except turf), and a separate meter for outdoor water use. Turf is limited to 20 percent of the total irrigated landscape area, which shall not exceed 1,500 square-feet.

*Staff comments: No landscaping is proposed at this time. Landscaping plans will be required and reviewed at the time of construction permit application for the individual residences.*

#### Circulation

All Conditional Use Permit applications shall be integrated into area wide circulation and utility easements, providing for future extensions into adjacent undeveloped properties wherever feasible. Safe and site-sensitive equestrian, pedestrian, and bicycle circulation facilities shall be provided either within street right-of-way or in separated locations.

*Staff comments: The proposed project complies with this standard.*

***Nipomo Community Standards***

***Connection to Community Sewers***

New parcels within the Nipomo Urban Services Line shall be designed to provide to future connection to the community sewage system, except for the low density residential areas.

*Staff comments: This project is conditioned to connect to the community sewage system through the Nipomo Community Services District. The applicant has provided an Intent-to-Serve letter from the Nipomo Community Services District (May 27, 2015) for water, sewer, and solid waste.*

***Right-of-Way Requirements for Residential Categories***

On all streets outside the central business district, an offer of dedication shall be made for parcels adjacent to public streets at the time of subdivision or new development, for a minimum 8-foot parkway between the curb and sidewalk, unless adequate right-of-way exists, as illustrated in Figure 108-4. The area of dedication may be included in the net acreage calculation of allowable density. Landscaping improvements shall be provided and include a minimum of one street tree per 50 feet frontage and lawn or low-maintenance plants.

*Staff comments: The proposed project, as conditioned, complies with this project.*

**MAJOR ISSUES:**

***Nipomo Groundwater Basin***

The project proposes to use the Nipomo Community Services District (NCSD) as its water source. The NCSD pumps water from the Santa Maria groundwater basin, which is made up of three interconnected sub basins (Tri-Cities, Nipomo Mesa, and Santa Maria). At the time of the previously adopted Mitigated Negative Declaration, the Nipomo Mesa Water Conservation Area (NMWCA) was certified at a Level of Severity 2. The comprehensive study completed for the basin at that time (State Department of Water Resources, "Water Resources of the Arroyo Grande-Nipomo Mesa Area", 2002), concluded that the basin was not in a state of overdraft.

Since that time, this Department has released a study (San Luis Obispo County Department of Planning, "Resource Capacity Study – Water Supply in the Nipomo Mesa Area", 2004) concluding the NMWCA portion of the Santa Maria Groundwater Basin is in a state of overdraft. The study recommended a Level of Severity 3 for the basin, and the Board of Supervisors certified the Level of Severity 3 in 2007, and subsequently approved water conservation ordinances for that area.

Although the Level of Severity for water resources in the Nipomo groundwater basin has declined to Level III, the NCSD issued a new intent-to-serve (ITS) letter for NCSD services (water, sewer, and solid waste) on May 27, 2015. Since the issuance of the ITS letter, the NCSD has declared a Stage III water shortage and has subsequently ceased issuing new ITS letters for new development. However, based on the issuance of an ITS letter, the NCSD has determined that remaining capacity exists for this project and is honoring the letter. Therefore, the findings of the original project can still be made for this proposal.

Additionally, on October 27, 2015, the San Luis Obispo County Board of Supervisors adopted Ordinance 3307. Per this ordinance, new construction that uses water from the Nipomo Mesa Water Conservation Area must offset water use at a 1:1 ratio. Water savings must come from

the Nipomo Mesa Water Conservation Area. This project has been conditioned to comply with all offset requirements prior to construction permit issuance.

#### ENVIRONMENTAL DETERMINATION:

##### **Addendum**

In August 2005 the Planning Commission approved a Mitigated Negative Declaration for the previously approved project. The current proposal includes only minor technical changes to the project that are not considered substantial, and therefore an Addendum to the previously adopted Negative Declaration was prepared. Environmental issues addressed in the previously approved project are discussed below.

##### **Biological Resources**

Vegetation on the project site prior to tract improvements consisted of grasses, forbs, shrubs, coast live oak trees (*Quercus agrifolia*), pine trees, and eucalyptus trees. Thirty-two coast live oak trees were present on the project site. The County of San Luis Obispo considers oak woodland and individual oak trees sensitive native vegetation. Passage of SB1334 (Kuehl) further recognizes the importance of preserving oaks, and includes specific measures relating to tree diameter, monitoring replacement trees, and additional measures (e.g., easements). The original applicant submitted an arborist's report stating that 19 of the 32 trees [were] "in such poor condition they will require removal". The remaining 13 coast live oak trees were also removed, for a total removal count of 32. The applicant agreed to mitigate for 16 of the removed trees by replacing each tree at a 4:1 ratio (for a total of 64 coast live oak trees), and provide a conservation easement for 16 trees not currently under protection. The restoration area is required to be owned by a non-profit or governmental agency.

##### **Cultural Resources**

Both prehistoric and historic cultural resources are known to exist in the Nipomo area. A *Cultural Resources Survey and Impact Assessment* (C.A. Singer & Associates, Inc.; March 15, 2004), *Phase II Subsurface Testing CA-SLO-809* (C.A. Singer & Associates, Inc.; December 19, 2004), *Phase II Subsurface Testing 128 Mary Avenue* (C.A. Singer & Associates, Inc.; December 2, 2004), and the *Nipomo Village Plaza Project (Tract #2652) and the Oak Terrace Residential Project (Tract #2558) Supplemental Historical Resources Evaluation Report* (Greenwood and Associates; May 2005) were completed for the project site. Based on the results of the records search and Phase I field survey, small quantities of prehistoric artifacts were observed on a parcel adjacent to the project site, in addition to significant recorded sites in the immediate region (C.A. Singer & Associates, Inc.; March 15, 2004). No cultural deposits were observed on the project site. To ensure that significant impacts to archaeological resources are avoided, the applicant has agreed to retain a County-approved archaeologist to prepare a construction monitoring plan to be implemented during initial ground disturbance and grading activities.

#### SOUTH COUNTY ADVISORY COUNCIL COMMENTS:

The South County Advisory Council (SCAC) Land Use Committee considered this project at their January 11, 2016 meeting. The committee recommended the project be placed before the full council on the regular agenda and passed. The SCAC considered the item on their January 25, 2016 meeting and voted 10-1 to recommend approval of the project.

AGENCY REVIEW:

Public Works – Per attached referral response (Marshall, January 27, 2016), improvement plans for Tract 2558 were approved March 7, 2007 and most work appears to have been completed; recommends bringing forwards all previously approved conditions

Environmental Health – Per attached referral response (February 18, 2016), a preliminary health clearance letter provided

County Parks – Per attached referral response (Kavanaugh, December 24, 2015), payment of Quimby fees

Assessor – no response

Building Division – Per attached referral response (Stoker, December 23, 2015), structures will need to comply with all adopted codes in effect at time of construction permit application

Cal Fire – Per attached referral response (Craig, January 6, 2016), see attached Fire Safety Plan

PG&E – no response

AT&T – no response

Charter Cable TV – no response

So Cal Gas – no response

Nipomo Community Services District – Per attached referral response (Sevcik, December 31, 2015), Intent-to-Serve letter provided

LEGAL LOT STATUS:

The one existing lot is Lot 2 of COAL03-251 and was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Brandi Cummings and reviewed by Terry Wahler.

ATTACHMENTS

01 – Exhibit A – Findings

02 – Exhibit B – Conditions

03 – ND Addendum

04 – Previously Adopted ND

05 – Graphics

06 – Referral Responses